

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

IN THE MARION SUPERIOR COURT

CAUSE NO. 49D13-0705-PL-021579

STATE OF INDIANA,)
)
Plaintiff,)

v.)

KELLI M. ACTON)
also known as)
KELLI SULLIVAN)
individually and doing business as)
SIXKIDSANDASTORE.COM, and)
THE ATTITUDE BOUTIQUE, LLC, and)
THE ATTITUDE BOUTIQUE, LLC,)
Defendants)

FILED

AUG 06 2007

18

Elizabeth L. White
CLERK OF THE MARION CIRCUIT COURT

DEFAULT JUDGMENT

The Plaintiff, State of Indiana, having filed its Motion for Default Judgment and the Court having read the same and being duly advised in the premises, now finds:

1. The Court has subject matter jurisdiction and personal jurisdiction over the Defendants.
2. The Defendants were served with notice of these proceedings and a copy of the Plaintiff's Complaint for Injunction, Restitution, Costs, and Civil Penalties.
3. The Defendants have failed to appear, plead, or otherwise respond to the Complaint.
4. The Defendant, Kelli M. Acton, also known as Kelli Sullivan, is not known to be an infant, incompetent, or in military service.

THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that the Motion for Default Judgment is **GRANTED** in favor of the Plaintiff, State of Indiana, and against the Defendant, Kelli M. Acton, also known as Kelli Sullivan, individually and doing business as SixKidsandaStore.com and The Attitude Boutique, LLC, and the Defendant, The Attitude Boutique, LLC.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that pursuant to Ind. Code § 24-5-0.5-4(c)(1), the Defendant, Kelli M. Acton, also known as Kelli Sullivan, individually and doing business as SixKidsandaStore.com and The Attitude Boutique, LLC, and the Defendant, The Attitude Boutique, LLC, their agents, representatives, employees, successors and assigns are permanently enjoined from engaging in the following:

- a. representing, expressly or by implication, the subject of a consumer transaction has sponsorship, approval, performance, characteristics, accessories, uses, or benefits it does not have, which the Defendants know or reasonably should know it does not have;
- b. representing, expressly or by implication, the subject of a consumer transaction will be supplied to the public in greater quantity than the Defendants intends or reasonably expects;
- c. representing, expressly or by implication, the Defendants are able to deliver or complete the subject of a consumer transaction within a reasonable period of time, when the Defendants know or reasonably should know they cannot; and

- d. representing, expressly or by implication, consumers will be able to purchase the subject of a consumer transaction as advertised by the Defendants, if the Defendants do not intend to sell it.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that judgment is entered for the Plaintiff, State of Indiana, and against the Defendant, Kelli M. Acton, also known as Kelli Sullivan, individually and doing business as SixKidsandaStore.com and The Attitude Boutique, LLC, and the Defendant, The Attitude Boutique, LLC, as follows:

- a. The contracts previously entered into by the Defendants with consumers Amy and Steve Scheller, Henry Atkins, Shahab Azarfar, Dan Brugal, Stephen Bell, Mark Bender, Nathan Burns, John Crimming, Zac Crowder, Kevin Deshler, Gary DiPasquale, Lori Erb, Sandra Espinosa, Ted Evans, Ned Hawkins, Gerald Hayden, Eric Kafrawy, Jeff Lexander, David Dan Linge, Anthony Maulton, Linda Morgan, Russell Morgan, Andreas O'Keeffe, Jordan Peila, Cesar Quezada, Necat Redzepi, Edmund Rogers, Patricia Trogon, Matt and Kit Thomas, and Nancy and Adam Wolf are cancelled pursuant to Ind. Code § 24-5-0.5-4(d).
- b. The Defendants shall pay consumer restitution, pursuant to Ind. Code § 24-5-0.5-4(c)(2), in the total amount of Seven Hundred Twelve Dollars and Seventy Cents (\$712.70), payable to the Office of the Attorney General, for allocation and distribution to the following consumers in the following amounts:
 1. Amy and Steve Schneller of Jacksonville, Florida \$141.35;

2. Nancy and Adam Wolf of Los Angeles, California \$571.35
Total: \$712.70

- c. The Defendants shall pay the Office of the Attorney General its costs in investigating and prosecuting this action, pursuant to Ind. Code § 24-5-0.5-4(c)(3), in the amount of One Thousand Four Hundred and Ten Dollars (\$1,410.00).
- d. The Defendants shall pay civil penalties pursuant to Ind. Code § 24-5-0.5-4(g) for the Defendants' knowing violations of the Deceptive Consumer Sales Act, in the amount of Twenty-Nine Thousand Dollars (\$29,000.00), payable to the State of Indiana.
- e. The Defendants shall pay civil penalties pursuant to Ind. Code § 24-5-0.5-8 for the Defendants' intentional violations of the Deceptive Consumer Sales Act, in the amount of Fourteen Thousand Five Hundred Dollars (\$14,500.00), payable to the State of Indiana.

A total monetary judgment in the amount of Forty-Five Thousand Six Hundred Twenty-Two Dollars and Seventy Cents (\$45,622.70) shall therefore be entered in favor of the Plaintiff, State of Indiana, and against the Defendants Kelli Sullivan, individually and doing business as SixKidsandaStore.com and The Attitude Boutique, LLC, and the Defendant, The Attitude Boutique, LLC.

ALL ORDERED, ADJUDGED AND DECREED on 06 day of AUG, 2007.

AUG 06 2007



Judge, Marion Superior Court

DISTRIBUTION:

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